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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,566	01/12/2004	Reiner Augusto Campillo Terrero	1034055-000001	8232
21839 7590 03/07/2008 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER CHEN, ALAN S	
			ART UNIT 2182	PAPER NUMBER
			NOTIFICATION DATE 03/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/754,566	<b>Applicant(s)</b> CAMPILLO TERRERO ET AL.	
	<b>Examiner</b> Alan S. Chen	<b>Art Unit</b> 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said plurality of switches" in I.4. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes Applicant is referring to a singular switch.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 7,269,639 to Lawrence.

**Independent claims**

6. Per claim 1, Lawrence discloses a method (*fig. 9 illustrates high level function of system shown in fig. 5*) of managing a plurality of active devices (*fig. 5, item 502-x are all active router devices*), wherein the active devices include a management port (*fig. 6, item 624 show each router device have management ports*) which is connected to a management port of a concentrator device (*fig. 5, item 506 are management devices in which all the management VPN aggregate, thus they are construed to be concentrator devices*) and a communication port of the concentrator device is connected to a communication port of a computer (*multiple communication ports are intrinsic to the management device since they connect to various routers in the system; col.4 l.20-25, management devices are computers/workstations/servers*), the method comprising the steps of: selecting the active device to manage (*col. 4, l. 32-41, a router is selected by user to manage*); establishing a link between the communication port of the concentrator device and the management port of the concentrator device associated with the selected active device (*col. 4, l. 32-41, VPN is established between management device and router*); and communicating with the selected active device from the computer (*col. 4, l. 32-41, user communicates with the router from the management device*).

7. Per claim 8, Lawrence discloses an apparatus (*fig. 5, item 506*) for managing multiple active devices (*fig. 5, items 502-x are all active router devices*), the apparatus comprising: at least one communication port (*fig. 5, item 511-x all have associated ports on the management device*); a plurality of management ports that are each configured

to be connected to a management port of a respective active device (*fig. 5, element 550 management VPN are associated with management ports on the management device, item 506*); a switch for selectively connecting the at least one communication port to a selected one of the plurality of management ports (*all of the routers attached to the management device and thus extensions of apparatus, shown in fig. 5, items 502-x, are construed to be switches, each management port, item 624 is associated with a communication port on the management device*); and a microprocessor configured to establish a link between the communication port and at least one selected management port (*col. 4, l. 20-25, computer/workstation/server all have CPUs*).

8. Per claim 14, Lawrence discloses a system for managing a plurality of active devices (*fig. 5*), the system comprising: a plurality of active devices (*fig. 5, items 502-x*); a concentrator device (*fig. 5, items 506*), the concentrator device comprising at least one communication port (*fig. 5, items 511-x all associated with communication ports*), a plurality of management ports (*fig. 6, item 624*), and a microprocessor (*col. 4 l. 20-25*), wherein the microprocessor is configured to: receive an external signal indicating a selected active device (*handshaking done between the management device and the routers to establish VPN*); and establish a link between the communication port and the management port associated with the selected active device (*col. 4, l. 32-41, VPN is established between management device and router*); a computer (*col. 4 l. 20-25, management devices are computers/workstations/servers*), the computer comprising a user interface (*col. 4, l. 34-36, user CLI used in selecting active device*) configured to: receive an indication of the active device to be managed; and send a signal to the

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concentrator device indicating the active device selected to be managed (*user sends out management commands; VPN established through handshaking*); and wherein each of the plurality of active devices are connected to a management port of the concentrator device and a communication port of the concentrator device is connected to a communication port of the computer (*fig. 5, item 511-x are connected to management ports and communication ports of the router and management devices*).

9. Per claim 15, Lawrence discloses a computer readable medium for storing computer executable code (*col. 5, l. 50-60 disclose stored executable code*) for managing a plurality of active devices (*fig. 5, items 502-x*), the executable code configured to: send signals to a concentrator device that includes a communication port and a plurality of management ports (*fig. 5, items 506*) wherein each of the management ports is configured to be connected to a respective management port of the active devices (*fig. 6, item 624*); receive signals from the concentrator device (*management device sends management commands*); receive an indication of one or more active devices to be managed (*via management commands*); and wherein at least one of the signals sent to the concentrator device indicates one or more active devices to be managed (*handshaking signals*).

**Dependent claims**

10. Per claim 2, Lawrence discloses claim 1, further disclosing selecting the active devices to manage comprises: manually activating a switch associated with the management port with which the desired active device is connected (*each device intrinsically has at least a power-on switch; the claim language does not give any*

*details to ascertain what exactly the association is between the management port and the switch; clearly the management port need power to operate and this is facilitated by manually switching on power).*

11. Per claim 3, Lawrence discloses claim 1, further disclosing selecting the active devices to manage comprises: selecting the desired active device through a user interface on the computer (*col. 4, l. 34-36, user CLI used in selecting active device*); and sending a signal to the concentrator device indicating the selected active device (*VPN requires handshaking between management device and device being managed*).

12. Per claims 4 and 11, Lawrence discloses claims 1 and 8, further disclosing receiving a signal to operate the concentrator device in simultaneous mode (*col.5 l.5-15, automated management data traffic can be performed for all the routers*); and establishing a simultaneous link between the communications port of the concentrator device and each of the selected management ports of the concentrator device (*management traffic is pushed out to the routers over the management ports of the management device*).

13. Per claim 5, Lawrence discloses claim 4, wherein selecting the active device to manage comprises: manually activating a switch associated with the simultaneous mode (*again, with no details of how the switch is associated with the mode, power switch on each of the devices suffice to anticipate this claim*).

14. Per claims 6,7,12 and 13 Lawrence discloses claims 1 and 8, wherein the plurality of management ports support various protocols (*col.4 l.45-52, ports support the listed protocols*).

15. Per claim 9, Lawrence discloses claim 8, wherein the microprocessor is configured to receive an external signal indicating the selected management port *(handshaking done between the management device and the routers to establish VPN)*.

16. Per claim 10, Lawrence discloses claim 8, wherein the microprocessor is configured to receive an internal signal indicating the selected management port, wherein the internal signal is generated based on the activation the switch *(col. 4 l.30-40, signals internal to management device are generated to activate/manage routers)*.

17. Per claim 16, Lawrence discloses claim 15, wherein at least one of the signals received from the concentrator device provided information regarding establishment of a link between a communication port and a manage port of the concentrator device *(col. 4, l. 32-41, VPN is established between management device and router)*.

18. Per claim 17, Lawrence discloses claim 15, wherein at least one of the signals received from the concentrator device initiated in one of a plurality of active devices connected to the concentrator device *(VPN link requires handshaking, signals will be sent from router to management device)*.

19. Per claim 18, Lawrence discloses claim 15, wherein at least one of the signals sent to the concentrator device is passed to one or more of a plurality of active devices connected to the concentrator device *(fig. 5, elements 502-x are interconnected, signals routed between each other)*.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents and patent related publications are cited in the Notice of



**Conclusion**

20. References Cited (Form PTO-892) attached to this action to further show the state of the art with respect to management ports for managing devices attached to them.

- US Pat. No. 6,732,218 to Overtoom et al. discloses a USB On-The-Go protocol apparatus having ports that are construed to be management ports (*Fig. 3, element 202*) with a concentrator device (*Fig. 3, elements 208 or 210*) which manage the devices over the ports.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan S Chen/  
Primary Examiner, Art Unit 2184  
02/26/08